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# Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo*

*Summary*

The present report focuses broadly on developments in the United Nations regarding violence against women, its causes and consequences, over approximately 20 years. The objective is to provide a snapshot view of these developments, including the expanding conceptualization of the theme of violence against women, its causes and consequences. The analysis of continuing challenges is underpinned by the work of the mandate as identified through thematic reports, country missions and participation in conferences and meetings. Due to limitations on the length of documents, developments at the regional and national level are not addressed in this report.

* The present document is submitted late in order to reflect the most recent information.

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# I. Introduction

1. The present report is submitted, pursuant to Human Rights Council resolution 23/25, by the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo. The activities of the Special Rapporteur, since her previous report to the Council up to March 2014, are summarized in section II. Developments in the United Nations regarding violence against women, its causes and consequences over the past approximately 20 years are discussed in section III.

# II. Activities

## A. Country visits

2. During the period under review, the Special Rapporteur requested invitations to visit Afghanistan, France, Honduras, Nigeria, the Sudan, South Sudan and the United Kingdom of Great Britain and Northern Ireland.

3. The Special Rapporteur visited India, from 22 April to 1 May 2013 (A/HRC/26/38/Add.1); Bangladesh, from 20 to 29 May 2013 (A/HRC/26/38/Add.2); Azerbaijan, from 26 November to 5 December 2013 (A/HRC/26/38/Add.3); and the United Kingdom, from 31 March to 15 April 2014. The Special Rapporteur thanks these Governments for their cooperation.

## B. Reports to the General Assembly and the Commission on the Status of Women

4. In October 2013, the Special Rapporteur submitted her third written report to the General Assembly (A/68/340), in which she examined the issue of violence against women in custodial settings and highlighted the strong link between violence against women and women's incarceration, prior to, during and after incarceration.

5. In March 2014, the Special Rapporteur participated in the fifty-eighth session of the Commission on the Status of Women. She presented an oral statement on her activities and convened two side events on global developments in the elimination of all forms of violence against women over the past two decades.

# III. Twenty years of developments within the United Nations and a reflection on the continuing challenges[1]

## A. Introduction

6. Prior to, and during, the United Nations Decade for Women, from 1975 to 1985, the issue of violence against women in general, and more specifically domestic violence, was high on the agenda of women's rights activists. Advocacy at the World Conferences on

[1] The Special Rapporteur would like to thank Corey Calabrese, Naureen Shameem, Lucia Noyce, Erin Jardine, Maithilli Pradhan, Nina Anderson, Claire Malcolm and Helen Griffiths for their research assistance.

Women, held in Mexico City and Copenhagen in 1975 and 1980 respectively, served as a catalyst for the adoption in 1985 of General Assembly resolution 40/36 on domestic violence. The Third World Conference on Women, held in Nairobi in 1985, and the Expert Group meeting on violence in the family, held in Vienna in 1986, further highlighted the global nature and concern regarding violence against women. In May 1991, the Economic and Social Council adopted resolution 1991/18 on violence against women in all its forms, in which it recommended the development of a framework for an international instrument that would explicitly address the issue of violence against women. The Council also urged Member States to adopt, strengthen and enforce legislation prohibiting violence against women and to take appropriate administrative, social and educational measures to protect women from all forms of physical and mental violence.

7. The United Nations explicitly recognized violence against women as a human rights violation at the World Conference on Human Rights, held in Vienna in 1993. The Vienna Declaration and Programme of Action, adopted by the Conference, noted that "the human rights of women and of the girl-child are an inalienable, integral and indivisible part of universal human rights".[2] Emphasizing that the elimination of violence against women in all areas of life, both public and private, was central to the attainment of women's human rights, the Conference called on governments and the United Nations to take the steps necessary for the realization of this goal, including by integrating the human rights of women "into the mainstream of United Nations system-wide activity",[3] through the activities of the treaty bodies and relevant mechanisms, including the promotion of how to make effective use of existing procedures, and the adoption of new procedures to "strengthen implementation of the commitment to women's equality and the human rights of women."[4] Furthermore, in 1993, the General Assembly adopted the Declaration on the Elimination of Violence against Women (resolution 48/104), as recommended by the Economic and Social Council, and in 1994, the Commission on Human Rights adopted resolution 1994/45, establishing the mandate of the Special Rapporteur on violence against women, its causes and consequences.

## B. Commission on the Status of Women

8. Established in 1946,[5] the Commission on the Status of Women (CSW) has been instrumental in initiating and developing seminal normative frameworks on women's human rights. Both the Convention on the Elimination of All Forms of Discrimination against Women and the Declaration on the Elimination of Violence against Women owe their existence to the work of the Commission. At its thirty-fifth session, in March 1991, CSW recommended that the Economic and Social Council develop a framework for an international instrument explicitly addressing violence against women, in consultation with the Committee on the Elimination of Discrimination against Women (CEDAW). The Economic and Social Council subsequently adopted resolution 1991/18, in which it recommended, inter alia, the development of a framework for an international instrument that would explicitly address violence against women. The Expert Group meeting on violence against women, convened by the Division for the Advancement of Women in Vienna in 1991, prepared the draft declaration on the elimination of violence against women for submission to CSW and CEDAW, and also discussed the elaboration and strengthening of CEDAW general recommendations, the appointment of a thematic

[2] Vienna Declaration and Programme of Action (A/CONF.157/23), part I, para. 18.

[3] Ibid., part II, para. 37.

[4] Ibid., part II, para. 40.

[5] See Economic and Social Council resolution 11 (II), 21 June 1946.

rapporteur on violence against women, an optional protocol to the Convention on the Elimination of All Forms of Discrimination against Women, and importantly, the creation of a convention on violence against women.

9. The draft declaration was submitted to the CSW at its thirty-sixth session, held in Vienna in 1992, and draft resolution V on violence against women in all its forms was submitted to the Economic and Social Council for adoption.[6] The draft resolution called for an intersessional working group to be convened to further develop a draft declaration on violence against women. That meeting was held in 1992. The draft declaration was re-introduced at the thirty-seventh session of the CSW, in 1993, in a report of the Secretary-General.[7] In its resolution 1993/10, the Economic and Social Council urged the General Assembly to adopt the draft declaration on the elimination of violence against women, and in resolution 1993/26, the Council urged governments to give their full support to the adoption of the draft declaration. The 1993 World Conference on Human Rights also called for the adoption of the draft declaration.[8] The Declaration on the Elimination of Violence against Women was adopted without a vote by the General Assembly in resolution 48/104, in December 1993. Since then, the Declaration has served as the primary normative framework for the work of the Special Rapporteur on violence against women.

10. It has been argued that an optional protocol or a new convention on violence against women should be viewed as long-term measures to be implemented if the general recommendations of CEDAW, the Declaration and the Special Rapporteur proved ineffective.[9] Others have argued that the Declaration, as opposed to a convention on the elimination of violence against women, was adopted because of fears of confusion between the scope of the Convention on the Elimination of All Forms of Discrimination against Women and a new binding treaty on violence against women; fears that a new binding instrument might run the risk of limited ratification; and also because of concerns about the expense of implementing a new binding instrument.[10]

11. The CSW has focused on the issue of violence against women and/or girls as a priority theme on three occasions: the theme of gender-based persecution was the focus of its forty-second session, in 1998; the elimination of all forms of discrimination and violence against the girl child was addressed at its fifty-first session, in 2007; and the elimination and prevention of all forms of violence against women and girls was considered at its fifty-seventh session, in 2013.

12. The agreed conclusions adopted by the CSW at its 1998, 2007 and 2013 sessions[11] share several commonalities. With regard to the provision of services, the 2013 conclusions

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[6] E/1992/24-E/CN.6/1992/13, chap. I, sect. A.

[7] E/CN.6/1993/12.

[8] Vienna Declaration and Programme of Action (A/CONF.157/23), part II, para 38.

[9] See Jutta Joachim, "Shaping the Human Rights Agenda: The Case of Violence against Women", in *Gender Politics in Global Governance*, Mary K. Meyer and Elisabeth Prugl, eds. (Lanham, Maryland, Rowman & Littlefield, 1999), pp. 142–160.

[10] See, in general, Joan Fitzpatrick, "The Use of International Human Rights Norms to Combat Violence Against Women", in *Human Rights of Women: National and International Perspectives*, Rebecca Cook, ed. (Philadelphia: University of Pennsylvania Press, 1994), pp. 532-571; and Hilary Charlesworth and Christine Chinkin, "Violence against women: a global issue", in *Women, Male Violence and the Law 13*, Julie Stubbs, ed. (Sydney, Institute of Criminology Monograph Series, No. 6, 1994).

[11] Commission on the Status of Women, conclusions on women and armed conflict (see E/1998/27-E/CN.6/1998/12); agreed conclusions on the elimination of all forms of discrimination and violence against the girl child (see E/2007/27-E/CN.6/2007/9); agreed conclusions on the elimination and prevention of all forms of violence against women (see E/2013/27-E/CN.6/2013/11).

call for comprehensive, coordinated, interdisciplinary, accessible and sustained multisectoral services and programmes and responses at all levels for all victims and survivors of all forms of violence against women and girls. The 1998 conclusions are more specific with regard to the steps that governments should take to address violence against women, whereas the 2007 and 2013 agreed conclusions are much more general. There is a greater emphasis on the intersection between economic, social and cultural rights and violence against women in the 2007 and 2013 conclusions.

13. Regarding the inclusion of specific categories of women at risk, there has been more inclusivity over the years. All three of the above-mentioned agreed conclusions discuss traditional, customary and religious practices that are harmful towards women, with a particular emphasis on female genital mutilation and its health consequences. The 2013 conclusions are less explicit about female genital mutilation, but refer to practices and customs that discriminate against or have a discriminatory impact on women. States are urged to ensure that the provisions of multiple legal systems, where they exist, comply with international human rights obligations, commitments and principles, including the principle of non-discrimination.

14. The 1998 conclusions place greater emphasis on the development and funding of national plans to end violence against women, while the 2007 conclusions call for the formulation of a national plan to address child labour. The 2013 conclusions recommend that governments develop and implement effective multisectoral national policies, strategies and programmes.

15. The 1998 and 2013 conclusions also place greater emphasis on the collection of data so as to inform the development, revision and implementation of laws, policies and strategies. The 2013 conclusions address the critical area of improving the evidence base, through multidisciplinary research and analysis on the structural and underlying causes of, the cost of and risk factors for, violence against women and girls.

16. The 1998 conclusions are very specific regarding the investigation and prosecution of acts of violence against women, ensuring the gender-sensitive development of an integrated framework that includes criminal, civil, evidentiary and procedural provisions for addressing the multiple forms of violence against women, and also ensuring the accountability of relevant law enforcement agencies for the implementation of such policies.

17. The 2013 conclusions highlight the prevention of and response to all forms of violence against women and girls, including sexual and gender-based violence, in armed conflict and post-conflict situations, including through investigation, prosecution and punishment of perpetrators to end impunity; removal of barriers to women's access to justice; the establishment of complaint and reporting mechanisms; the provision of support to victims and survivors; affordable and accessible health-care services; reintegration measures; and steps to increase women's participation in conflict resolution and peacebuilding processes and post-conflict decision-making.

18. The CSW session in 2013 was challenging, with strong pressure from some States to prevent the inclusion of language referring to sexual orientation, gender identity or intimate partner violence, and contestation over a wider interpretation of the "family". Nevertheless, new themes did emerge in the conclusions, including the need to support and protect women human rights defenders who work on gender-based violence; the need for governments to promote and protect the human rights of all women, including their right to have control over, and decide freely and responsibly, on matters relating to their sexuality, including sexual and reproductive health, free of coercion, discrimination and violence; specific commitments on the part of governments to ensure the safety of girls in public and private spaces; commitment to end early and forced marriage; and to prevent, investigate

and punish acts of violence against women and girls, committed by people in positions of authority, such as teachers, religious leaders, political leaders and law enforcement officials.

19. The work of the CSW over the past 20 years is an indicator of an expansive and growing acceptance of the temporal and spatial underpinnings of violence against women; the refinement of the understanding of the issue, its causes and consequences, through a holistic human rights lens; a focus on State responsibility to act with due diligence in the elimination of all forms of violence against women, including addressing its causes and consequences; and ultimately, the acknowledgement that violence against women is a widespread and pervasive human rights issue that requires the attention of all States.

20. Unfortunately, the CSW is increasingly being viewed as a contested forum for political negotiations on women's human rights, with a growing practice of clawbacks on gains made. The articulation of broad and sweeping statements in the outcome documents of its sessions are seen as attempts to deflect from addressing the reality of widespread and persistent violations of women's human rights globally. These perceptions have led to questions being raised about the utility of the CSW, which is the premier United Nations policymaking body with regard to normative standards on women's rights.

## C. Relevant treaty provisions and interpretative guidelines

21. Numerous human rights treaties, including the International Covenant on Civil and Political Rights, the Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Convention on the Rights of Persons with Disabilities, refer to the issue of violence against women, in broad terms, and in some instances the girl child. This section will focus on the issue with regard to the Convention on the Elimination of All Forms of Discrimination against Women and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment.

22. As regards the Convention on the Elimination of All Forms of Discrimination against Women, except for article 6 which calls on States to take all appropriate measures to suppress all forms of traffic in women and exploitation of prostitution of women, there are no specific provisions in the treaty requiring States to respond to and eliminate all forms of violence against women. Article 2 broadly articulates the obligations of States to refrain from engaging in any act or practice of discrimination against women and to eliminate discriminatory legislation and formulate new non-discriminatory laws. CEDAW issues general recommendations as an interpretative tool to address gaps in the treaty. In its general recommendation No. 12 (1989) on violence against women, the Committee, for the first time, recommended that States include in their periodic reports specific information on violence against women. In 1992, the Committee adopted general recommendation No. 19 on violence against women, thereby further addressing a major gap in the Convention.

23. In general recommendation No. 19, the Committee establishes that gender-based violence, which impairs or nullifies the enjoyment by women of human rights and fundamental freedoms under general international law or under human rights conventions, is discrimination within the meaning of article 1 of the Convention and links gender-based violence to the different rights and substantive areas covered by the Convention. In practice, the Committee invokes several substantive provisions in the Convention to address the issue of violence against women, including article 5 on stereotyping and the consequences thereof; article 11 on sexual harassment; article 12 on sexual and reproductive health violations; and article 16 on matters relating to marriage and family

relations. The adoption of the Optional Protocol to the Convention, in 1999, and the subsequent jurisprudence thereunder further reinforce the Committee's position that violence against women equates to discrimination based on sex, which disproportionately affects women. It is important to note that these developments do not explicitly articulate violence against women as a human rights violation in and of itself.

24. Regarding the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in its general comment No. 2 (2007) on the implementation of article 2 of the Convention by States parties, the Committee against Torture addresses the issue of State responsibility to act with due diligence with regard to violence against women more specifically, where "State authorities or others acting in official capacity or under colour of law, know or have reasonable ground to believe that acts of torture or ill-treatment are being committed by non-State officials or private actors and they fail to exercise due diligence to prevent, investigate, prosecute and punish such non-State officials or private actors" (para. 18) in compliance with the Convention. The Committee applies this principle to States parties' failure to prevent and to protect victims from gender-based violence, such as rape, domestic violence, female genital mutilation and trafficking. While it may be argued that the Convention against Torture can serve as a tool for addressing violence against women, the Committee has so far only defined rape as torture, without explicitly addressing other forms of violence against women.

25. Violence against women in conflict situations is covered in greater depth by other international treaties, including the Geneva Conventions of 1949 and the Additional Protocols thereto, which focus on, inter alia, rape, sexual exploitation and forced pregnancy. The 1998 Rome Statute of the International Criminal Court also covers certain aspects of violence against women, including rape, sexual slavery, enforced prostitution, forced pregnancy, enforced sterilization, or any other form of sexual violence of comparable gravity, which constitute "crimes against humanity" and grave breaches of the Geneva Conventions. CEDAW recently adopted general recommendation No. 30 (2013), which provides further guidance on States parties' obligations with regard to women in conflict prevention, conflict and post-conflict situations.

## D. Resolutions and declarations

26. In their resolutions on violence against women, several United Nations bodies call upon States to exercise due diligence to prevent and investigate acts of violence against women and girls and to punish the perpetrators.[12] States are broadly called upon to develop civil and criminal measures to address offender accountability; to ensure victim safety; and to provide redress and justice measures that victims can access effectively.

27. Between 1994 and 2005, the Commission on Human Rights adopted 12 resolutions relating to the integration of the rights of women into the human rights mechanisms of the United Nations, and to the elimination of violence against women.[13] Over the years, the resolutions of the Commission on Human Rights have reflected an unequivocal articulation of violence against women as a human rights issue: the principle of the continuum of violence is recognized at both the temporal and spatial levels; practices constituting violence against women are articulated more expansively; proposed actions to eliminate violence are more detailed; and the causes and consequences call for a nuanced understanding of the intersection of violence with other systems of subordination and

[12] See, for example, General Assembly resolutions 64/137 and 65/187, and Human Rights Council resolution 14/12.

[13] See Commission on Human Rights resolution 1994/45 and subsequent resolutions on women.

discrimination. In addition, more emphasis is placed on the obligation of States to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and punish acts of violence against women and provide access to just and effective remedies and specialized assistance to victims.

28. In 2006, the Human Rights Council replaced the Commission on Human Rights and, essentially, retained in its resolutions the wording of the Commission's resolutions. Between 2007 and 2013, the Human Rights Council adopted 28 resolutions relating directly or indirectly to the mandate of the Special Rapporteur on violence against women, its cause and consequences. [14] The seven resolutions that are directly relevant to the mandate largely revolve around the theme of accelerating efforts to eliminate all forms of violence against women, including the issue of due diligence with regard to prevention, protection and the provision of remedies for women who have been subjected to violence. Other resolutions relevant to the mandate concern the integration of the human rights of women throughout the United Nations system; adequate housing as a component of the right to an adequate standard of living; preventable maternal mortality and morbidity as a human rights issue; the elimination of discrimination against women; trafficking in persons, especially women and children; human rights, sexual orientation and gender identity; the right to a nationality for women and children; the protection of human rights defenders who provide support to women who have been subjected to violence; and most recently, the role of freedom of opinion and expression in women's empowerment.

29. Between 1993 and 2013, the General Assembly adopted 57 resolutions relating directly or indirectly to the work of the Special Rapporteur on violence against women, its causes and consequences. A seminal development was the adoption in 1993 of the Declaration on the Elimination of Violence against Women,[15] which provided a comprehensive framework in terms of definition, scope, obligations of States to act with due diligence and the role of the United Nations. The Declaration constitutes a more explicit statement on violence against women and it has formed the basis for numerous subsequent resolutions. In the preamble to the Declaration, the General Assembly recognizes that the root causes of violence against women are patriarchy and the subordination of women; and that violence against women is a manifestation of historically unequal power relations between men and women, and has led to domination over and discrimination against women by men and the prevention of the full advancement of women.

30. Several General Assembly resolutions on women address the issue of violence against women migrant workers; trafficking; traditional or customary practices affecting the health of women and girls; crimes committed against women in the name of honour; rape and other forms of sexual violence, including in conflict and related situations; women, disarmament, non-proliferation and arms control; female genital mutilation; gender-related killings of women; and protection for human rights defenders. These resolutions reiterate normative developments relating to the recognition of violence against women as a human rights violation; States' due diligence obligation to end impunity; and the introduction of the concepts of intersectionality and a multisectoral approach to violence against women. Other resolutions on women concern, inter alia, the designation of 25 November as the International Day for the Elimination of Violence against Women; crime prevention and criminal justice measures to eliminate violence against women; and the annual reporting obligation of the Special Rapporteur on violence against women, which includes the requirement to submit a written report annually to the Assembly.

[14] See Human Rights Council resolution 6/27 and subsequent resolutions on women.

[15] General Assembly resolution 48/104.

31. Since the Secretary-General's 2006 in-depth study on all forms of violence against women,[16] the General Assembly receives biennial reports from the Secretary-General on legislative, policy and other measures undertaken by Member States and United Nations bodies and entities to combat violence against women.[17] In its resolutions 61/143 and 62/133, the Assembly requested the Statistical Commission and the Secretary-General to develop and propose, in consultation with the Commission on the Status of Women, and building on the work undertaken by the Special Rapporteur on violence against women, a set of possible indicators on violence against women, in order to assist States in assessing its scope, prevalence and incidence.

32. The engagement of the Security Council with regard to violence against women is reflected in the seven resolutions on women that it adopted between 2000 and 2013. Security Council resolution 1325 (2000) focuses on the incorporation of a gender perspective in conflict resolution by addressing the special needs of women, ensuring that humanitarian law is used to address women's rights and highlighting the critical role of women in peacebuilding. In this resolution, the Security Council recognized that women and children account for the vast majority of those adversely affected by armed conflict; called for specialized training for all peacekeeping personnel on the protection, special needs and human rights of women and children in conflict situations; and urged the Secretary-General to increase women's representation in conflict-resolution efforts. The Council also emphasized the responsibility of States to prosecute those responsible for sexual violence and highlighted the need for data collection.

33. In subsequent resolutions, the Security Council focused on protecting civilians in general, particularly those who have been displaced; stressed the importance of education for preventing sexual exploitation and trafficking in humans; condemned all acts of sexual exploitation, abuse and trafficking of women and children by military, police and civilian personnel involved in United Nations operations; and recommended a policy of zero-tolerance for such violations. The Council also raised concerns about the obstacles to women's participation in the prevention and resolution of conflicts, including violence, intimidation, and discrimination. It requested the Secretary-General to publish a report on situations of armed conflict in which sexual violence has been widely or systematically employed against civilians, including an analysis of trends in sexual violence and benchmarks for measuring progress towards its elimination.

34. To ensure effective focus on the issue of sexual violence in armed conflict situations and their aftermath, the Security Council suggested that the Secretary-General appoint a special representative to provide coherent and strategic leadership and work effectively to strengthen existing United Nations coordinating mechanisms in addressing sexual violence in such situations. The Security Council urged States to adopt judicial reforms to address sexual violence; investigate all reports of sexual violence; and deploy a team of experts to investigate situations of sexual violence in armed conflict. The Security Council also called for more effective monitoring and reporting of issues of sexual violence within the United Nations system, targeted sanctions and more effective use of periodic field visits by its mechanisms.

35. The 1995 Beijing Declaration and Platform for Action, adopted by the Fourth World Conference on Women, elaborates on various manifestations of violence against women, such as murder, systematic rape and forced pregnancy during armed conflict, as well as sexual slavery, forced sterilization, forced abortion, female infanticide and prenatal sex

[16] A/61/122/Add.1.

[17] A/HRC/23/25, para. 25.

selection.[18] The Platform for Action defines three strategic objectives regarding violence against women: take integrated measures to prevent and eliminate violence against women (D.1); study the causes and consequences of violence against women and the effectiveness of preventive measures (D.2); and eliminate trafficking in women and assist victims of violence due to prostitution and trafficking (D.3), and outlines the actions to be taken for each, including adopting and/or implementing and periodically reviewing and analysing legislation to ensure its effectiveness in eliminating violence against women.[19]

36. It should be highlighted that the above-mentioned declarations and resolutions serve as consensus statements by Member States. They are of persuasive value in influencing international norms with regard to the elimination of violence against women and in providing normative standards for States to follow at the national level.

## E. Brief overview of the work of United Nations entities

37. According to article 5 of the Declaration on the Elimination of Violence against Women, the United Nations entities should contribute to the recognition and realization of the rights and the principles set forth therein, including through fostering the coordination of international efforts and the provision of technical support. Various United Nations agencies and entities have been proactive in fulfilling these obligations since the adoption of the Declaration and have prioritized certain areas of activity.

38. United Nations agencies and entities have largely addressed violence against women in the following ways: activities promoting gender equality and women's empowerment; data collection and research; technical assistance and capacity-building; coordination among United Nations, government and non-government entities; public-awareness campaigns; advocacy; direct programming; financial assistance; and standard setting. Most agencies and entities have focused on some or all of the following manifestations of violence against women: sexual violence; intimate partner violence; human trafficking; and female genital mutilation. Furthermore, each entity views violence against women through its own particular lens and addresses it accordingly, depending on its mission, including from the perspective of sexual and reproductive health; development; economic and legal empowerment; food and livelihood security; employment safety and security; education; addressing trafficked, refugee and migration population concerns; developing gender-sensitive administration of justice systems; and supporting the implementation of United Nations resolutions. Some entities undertake specific human rights monitoring and investigation; advocacy and public reporting; promote the rule of law, in general, and accountability, in particular; or substantively address human rights violations.

39. Many United Nations entities carry out research, including data collection, on the prevalence and effects of violence against women, as well as on other related topics, including how gender norms, behaviours and inequality contribute to the issue. Often, such research is used to formulate policy, provide technical assistance and programmatic guidance. Developing national-level ability to promote equality and thus combat violence against women may include providing assistance in developing national strategies and policies and supporting capacity-building activities.

40. Inter-agency efforts to combat violence against women include activities by the Inter-agency Network on Women and Gender Equality, United Nations Action against Sexual Violence in Conflict, the Inter-agency Task Force on Women, Peace and Security,

[18] See Platform for Action (A/CONF.177/20, chap. I, resolution 1, annex II), paras. 114 and 115.

[19] Ibid., para. 124 (d).

the Inter-agency Task Force on Protection from Sexual Exploitation and Abuse, the United Nations Trust Fund to End Violence against Women, the Inter-agency Task Force on Adolescent Girls and the Inter-agency Working Group of the Secretary-General's campaign, UNiTE to End Violence against Women.[20]

41. One of the five priority areas of the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) is ending violence against women. The efforts of UN-Women in this regard include standard setting, technical assistance, financial assistance, education, advocacy, data collection and coordination. The entity supports Member States as they set global standards for achieving gender equality and works with governments and civil society to design laws, policies, programmes and services needed to implement these standards, including in developing and implementing national action plans to end violence against women.[21] UN-Women also participates in a number of joint programmes with partner agencies at the country level and coordinates the Secretary-General's UNiTE campaign and the COMMIT initiative. The Inventory of United Nations activities to prevent and eliminate violence against women describes the efforts of 38 United Nations entities, the International Organization for Migration and six inter-agency partnerships. UN-Women has also developed the Virtual Knowledge Centre to End Violence against Women and Girls, an online resource centre.

42. The vast amount of work by United Nations entities to address violence against women is laudable. However, there are gaps and duplication among the policies and programmes of many agencies. Furthermore, the use of similar methods to address the issue suggests that there is scope for further coordination and collaboration among the various United Nations entities and their partners. Such collaboration would contribute to more substantive and targeted programming, and would also free up resources for more effective interventions.

## F. Mandate of the Special Rapporteur

43. The mandate of Special Rapporteur on violence against women, its causes and consequences was created on 4 March 1994 by the Commission on Human Rights in its resolution 1994/45 on the question of integrating the rights of women into the human rights mechanisms of the United Nations and the elimination of violence against women. In that resolution, the Commission outlined the main scope of the mandate and invited the Special Rapporteur to carry out the mandate within the framework of the Universal Declaration of Human Rights and all other international human rights instruments, including the Declaration on the Elimination of Violence against Women.

44. In the same resolution, the Commission requested all Governments to cooperate with and assist the Special Rapporteur in the performance of the tasks and duties mandated and to furnish all information requested. The resolution requested the Secretary-General to provide the mandate holder with all necessary assistance, in particular the staff and resources required to perform all mandated functions, especially in carrying out and following up on missions, and adequate assistance for periodic consultations with CEDAW and all other treaty bodies. It also requested the Secretary-General to ensure that the reports of the Special Rapporteur were brought to the attention of CSW to assist it in its work in the area of violence against women.

[20] See UN-Women, Inventory of United Nations system activities to prevent and eliminate violence against women, February 2014. Available from www.un.org/womenwatch/daw/vaw/v-inventory.htm.

[21] Ibid.





45. The Commission extended the mandate for an additional three years in its resolution 1997/44, recalling the provisions of resolution 1994/45, and requesting all Governments to respond to the Special Rapporteur's visits and communications. The Commission also encouraged the Special Rapporteur to examine and compile information relating to the issue of trafficking of women and girls.

46. In April 2000, the mandate was extended for a third time in Commission on Human Rights resolution 2000/45, in which the Commission recalled previous resolutions and referred to States' due diligence obligations. Incorporating the language of the Declaration on the Elimination of Violence against Women in the resolution, the Commission emphasized the duty of Governments to refrain from engaging in violence against women and to exercise due diligence to prevent, investigate and, in accordance with national legislation, punish acts of violence against women, and to take appropriate and effective action concerning acts of violence against women, whether those acts were perpetrated by the State, by private persons or by armed groups or warring factions, and to provide access to just and effective remedies and specialized assistance to victims.

47. The mandate was renewed in 2003 in Commission on Human Rights resolution 2003/45, in which the Commission urged States to consider the recommendations of the Special Rapporteur when formulating policies and programmes and to integrate a gender perspective into commissions of inquiry and commissions for achieving truth and reconciliation, and invited the Special Rapporteur to report, as appropriate, on those mechanisms. The Commission also encouraged the Special Rapporteur to continue to cooperate with regional intergovernmental organizations.

48. In 2007, the mandate of the Special Rapporteur was renewed by the Human Rights Council in its resolution 7/24, in which the Council welcomed the initiatives, the increasing efforts and the important contributions at the local, national, regional and international levels to eliminate all forms of violence against women and girls, and encouraged, as a contribution to the effective implementation of the mandate of the Special Rapporteur, the continued efforts of States, United Nations bodies and entities and other relevant stakeholders, to build upon and support, including through the allocation of adequate resources, these successful initiatives, and to support and participate in regional consultations in that area. In this resolution, the Council requested the Secretary-General to ensure that the reports of the Special Rapporteur were brought to the attention of the General Assembly, and that the Special Rapporteur present an oral report annually to CSW and the Assembly.

49. The Human Rights Council renewed the mandate for the sixth time in 2011 in its resolution 16/7 and invited relevant entities to give consideration to the prevention and elimination of all forms of violence against women and girls in their respective work, and to cooperate with and assist the Special Rapporteur in the fulfilment of the mandate. The Council requested the Secretary-General and the United Nations High Commissioner for Human Rights to continue to provide the Special Rapporteur with all assistance necessary for the effective fulfilment of the mandate, in particular staff and resources.

50. Most recently, the mandate was renewed in 2013 in Human Rights Council resolution 23/25, which focused more extensively on the issue of sexual violence in conflict situations.

51. In the discharge of the mandate, the Special Rapporteur is required to prepare annual thematic reports and reports on country visits. At the initiative of the previous Special

Rapporteur, a 15-year review of the mandate was conducted. The review[22] provides a comprehensive overview and analysis of the functioning of the mandate from 1994 to 2009. As stated in the review, in addition to the issues covered in the thematic reports, the mandate has dealt with several other issues that have been subsumed in the annual reports, country mission reports and communications to governments, including issues relating to health rights, including sexual and reproductive rights; women refugees and asylum seekers; national institutional mechanisms; as well as various aspects of implementation challenges. The mandate holders over that period highlighted in their reports that, despite advances in the creation of tools to enable and enhance compliance, lack of compliance and implementation continues to pose a serious challenge.

52. The annual thematic reports produced between 1994 and 2003 were closely aligned to conceptual developments of the objectives set in the resolution by which the mandate was established. Those reports focused on different manifestations of violence, its causes and consequences, including violence in the family; in the community; perpetrated or condoned by the State, including in times of armed conflict; and violence in the transnational arena. The reports expanded the scope of the mandate to consider the intersection and continuum of violence in the private and public spheres, with a particular focus on race, ethnicity, culture, migration, trafficking and economic empowerment. The mandate holders highlighted how traditional law and order approaches to violence, coupled with ineffective and discriminatory policing and gender-biased court and sentencing processes, prevent women from accessing justice and obtaining effective redress.

53. The first Special Rapporteur recommended that States criminalize and prosecute all manifestations of violence against women, including violence perpetrated under the guise of cultural practices,[23] and called for greater State responsibility for the protection of trafficked women and the prevention of forced or coerced migration.[24] She also called for a more expansive approach that sees violence against women as a "health, legal, economic, developmental and human rights problem",[25] examined the issue of legal protections and remedies for violence against women perpetrated in situations of armed conflict;[26] and called for the inclusion of gendered provisions and processes in the International Criminal Court.[27] In her final report, in January 2003, the first Special Rapporteur stated that the greatest achievements during her mandate had been in "awareness-raising and standard-setting",[28] including with regard to the limitations of the criminal justice framework, and setting new standards for addressing violence as a product of social, political and economic inequality. However, she acknowledged that, despite these successes, very little had changed in the lives of most women during her tenure.[29]

54. In her first report in 2004 (E/CN.4/2004/66), the second Special Rapporteur articulated the main objectives of her tenure as ensuring effective protection of women's rights and equal access to justice for women; monitoring the effectiveness of strategies to end violence against women; and ensuring that accountability mechanisms are accessible to women seeking redress. In addition to focusing on the issue of the intersectionality of violence against women and HIV/AIDS in 2005, the Special Rapporteur conducted further

[22] "15 years of the United Nations Special Rapporteur on violence against women, its causes and consequences (1994-2009): a critical review" (A/HRC/11/6/Add.5).

[23] E/CN.4/2002/83.

[24] E/CN.4/2000/68.

[25] E/CN.4/1996/53, para. 132.

[26] E/CN.4/2001/73.

[27] E/CN.4/1998/54.

[28] E/CN.4/2003/75, para. 71.

[29] Ibid., para. 77.

work on the intersections between culture and violence. In her reports she also addressed the political economy of women's human rights and the development of effective implementation and enforcement strategies, including by exploring the utility of the due diligence standard for enforcing State responsibility[30] and the development of indicators on violence against women and State responses.[31] The Special Rapporteur suggested that advocacy and policy and justice initiatives could be strengthened at the national and international levels. This would require systematic measurement and reporting of levels of violence, social tolerance, State responsiveness, institutional action and protection measures.[32]

55. The Special Rapporteur's reports between 2004 and 2009 consistently reiterate discussions of women's economic, social and cultural rights, and how the denial of these rights contributes to discrimination and violence against women. She also evaluated relations of power and the cultural relativist arguments that purport to excuse culturally motivated violence.[33] While condemning the cultural relativist discourse as legally impermissible[34] and acknowledging growing concerns about polarized power structures between the global North and South, the Special Rapporteur recommended engagement in cultural negotiations to challenge discriminatory and oppressive behaviour and encouraged local support for discourses on the universality of human rights.[35] By situating women's human rights within a neo-liberal political context, the Special Rapporteur, in her final report in 2009, raised concerns about the disconnect between the way States view violence against women and how they address gender inequality in general.[36] Noting that women do not share equal social and economic rights with men, nor have equal access to productive resources, she articulated how capital markets exacerbate women's social and political inequality in a way that impacts their health rights; food and water security; education and housing; livelihoods and labour markets; migration; and conflict, peace and nation-building..

56. The current Special Rapporteur assumed her functions in August 2009 and has continued to build on the work of her predecessors, especially with regard to the themes of intersectionality and State responsibility, while investigating less mainstream aspects of violence against women, such as, reparations for victims of violence; the continuum of violence from the home to the transnational sphere; gender-related killings of women; violence against women with disabilities; and the issue of violence and incarcerated women. In her reports, the Special Rapporteur generally further develops the principle of State responsibility to act with due diligence as a legal framework for the elimination of violence against women, and notes the gap between the normative acceptance of State responsibility for violence and the practical reality for women seeking redress.

57. In her 2010 report (A/HRC/14/22), the Special Rapporteur considered the shortcomings of the due diligence standard in respect of reparations for women who have experienced violence, whether in times of peace, conflict, post-conflict or in authoritarian settings. In her 2013 report (A/HRC/23/49), the Special Rapporteur further deepened the theme of State responsibility to eliminate violence against women and concluded that, while most States accept that violence against women is a pervasive and systemic human rights violation facing countries, this has not led to the adoption of coherent and sustainable

[30] E/CN.4/2006/61.
[31] A/HRC/7/6 and A/HRC/7/6/Add. 5.
[32] A/HRC/7/6.
[33] A/HRC/4/34, para. 56.
[34] Ibid.
[35] Ibid., para. 37.
[36] A/HRC/11/6.

solutions. She recommended that State responsibility to act with due diligence be considered as a dual obligation: (a) as a systemic responsibility, whereby States create responsive and effective systems and structures that address the root causes and consequences of violence against women; and (b) as an individual responsibility, whereby States provide victims with effective measures of prevention, protection, punishment and reparation. The Special Rapporteur recommended that accountability of perpetrators, as well as State authorities, for failure to protect from, and prevent, harm should be the norm.

58. In her 2011 report (A/HRC/17/26), the Special Rapporteur noted a continuing lack of response to multiple and intersecting forms of discrimination, both inter- and intra-gender, and its nexus with violence. She noted how the lack of attention to intersectionality not only inhibits policymakers from assessing inequalities between women and men, but also inhibits their ability to assess how differently positioned women experience discrimination and violence. The Special Rapporteur considered how violence is contingent on women's material conditions, individual attributes and social locations, and recommended a holistic approach that addresses systematic discrimination and marginalization. The holistic approach is based on the notion that, unless women can achieve economic independence and be empowered socially and politically, the realization of all human rights will remain abstract.

59. In her 2012 report (A/HRC/20/16), the Special Rapporteur addressed the topic of gender-related killings of women, which she considered as representing the ultimate act of violence, and not as a separate and isolated act. The manifestation of gender-related killings is located within certain social, political and economic contexts. The Special Rapporteur examined such manifestations by referring to patterns of individual, structural and institutional inequalities and discrimination, and from the perspective of a continuum of violence approach, thereby challenging cultural-relativist arguments and other justifications which permit such acts of violence, and condemning the impunity which prevails in many contexts.

60. The holistic approach to women's rights, by situating violence against women on a continuum from the home to the transnational sphere, has been further developed by the Special Rapporteur in her reports to the General Assembly, such as her 2011 report (A/66/215). In that report, she recommended that States engage in transformative remedies to confront the root causes of violence against women, in order to achieve individual, institutional and structural change. In her 2012 and 2013 reports to the General Assembly, the Special Rapporteur dealt with two issues that had not been specifically addressed in previous thematic reports, namely, violence against women with disabilities[37] and violence with respect to the incarceration of women.[38] Both reports provide a clear illustration of how violence against women intersects with other factors, including different forms of inequality and identity status, such as poverty, health, race, ethnicity, sexual orientation, religion and language.

## G. Continuing challenges

### 1. State responses – the shift to neutrality

61. Violence against women is a systemic, widespread and pervasive human rights violation, experienced largely by women because they are women. The concept of gender neutrality is framed in a way that understands violence as a universal threat to which all are

[37] A/67/227.
[38] A/68/340.

potentially vulnerable, and from which all deserve protection. This suggests that male victims of violence require, and deserve, comparable resources to those afforded to female victims, thereby ignoring the reality that violence against men does not occur as a result of pervasive inequality and discrimination, and also that it is neither systemic nor pandemic in the way that violence against women undisputably is. The shift to neutrality favours a more pragmatic and politically palatable understanding of gender, that is, as simply a euphemism for "men and women", rather than as a system of domination of men over women. Violence against women cannot be analysed on a case-by-case basis in isolation of the individual, institutional and structural factors that govern and shape the lives of women. Such factors demand gender-specific approaches to ensure an equality of outcomes for women. Attempts to combine or synthesize all forms of violence into a "gender neutral" framework, tend to result in a depoliticized or diluted discourse, which abandons the transformative agenda. A different set of normative and practical measures is required to respond to and prevent violence against women and, equally importantly, to achieve the international law obligation of substantive equality, as opposed to formal equality.

62. The Declaration on the Elimination of Violence against Women, the Convention on the Elimination of All Forms of Discrimination against Women and various regional treaties have explicitly articulated international understanding of the issue, and have reaffirmed and acknowledged that violence against women is both a cause and a consequence of discrimination, patriarchal dominance and control; that it is structural in nature; and that it works as a social mechanism that forces women into a subordinate position, in both the public and private spheres. CEDAW has criticized States that have moved to the gender-neutral approach.[39] In addition to gender specificity in legislation, policies and programmes, it is argued that "where possible, services should be run by independent and experienced women's non-governmental organizations providing gender-specific, empowering and comprehensive support to women survivors of violence, based on feminist principles".[40] Specificity is also mandated in the relevant regional human rights instruments on women and violence.

### 2. Persisting public/private dichotomy in responses to violence against women

63. Another manifestation of inequality and discrimination in responses to violence against women is the public/private dichotomy, which ultimately relegates women to the private sphere. This dichotomy is reinforced by the gender pay gap; the "double burden" of production and reproduction, which often limits the autonomy of women; and, in the most overtly patriarchal societies, systems of guardianship or legal instruments consciously designed to limit women's access to the public sphere. Even in societies in which women make sustained and significant contributions to the workforce, their roles in public life tend to be curtailed, and issues considered to be of particular concern to women are often assumed to be private. Violence against women is no exception, and the belief that personal relationships are not a matter of public concern continues to affect responses in the prevention, reporting and prosecution of cases of violence.

### 3. Accountability and impunity: failure of States to act with due diligence to eliminate violence against women

64. In her 2013 report to the Human Rights Council, the Special Rapporteur highlighted the continuing challenges of failures in relation to States' obligation to act with due

[39] See reports of the Committee on the Elimination of Discrimination against Women, for example, CEDAW/C/NLD/CO/4; CEDAW/C/POL/CO/6; CEDAW/C/FIN/CO/6; CEDAW/C/UK/CO/6.

[40] Department of Economic and Social Affairs of the United Nations, Division for the Advancement of Women, *Handbook for Legislation on Violence against Women* (New York, 2009), sect. 3.6.1.

diligence to eliminate violence against women. State responsibility to act with due diligence entails, inter alia, responding effectively to violence, ensuring gender equality frameworks, promoting attitudinal change, proactively ensuring women's participation in decision-making and undertaking programmes with a strong focus on promoting women's empowerment and agency.

### 4. Lack of transformative remedies which address the root causes of violence against women, including individual, institutional and structural aspects

65. Transformative remedies require that the problem of violence against women is acknowledged as systemic and not individual; and that this requires specific measures to address it as a gender-specific human rights violation. In her 2011 report, the Special Rapporteur articulated a gender-specific and holistic framework, including protection, prevention and empowerment approaches. Responses in laws, policies and programmes require that the historical, current and future realities of the lives of women be taken into account through a lens of indivisibility and interdependency of rights. Compromising the resources available to women's groups for service provision and advocacy, including through the prioritizing of men's groups, undermines transformative change efforts.

66. A more recent challenge is the creation of hierarchies of violence against women, especially through political and funding actions. This is particularly evident in the articulation of sexual violence in conflict situations as being different and exceptional, as opposed to it being a continuation of a pattern of discrimination and violence that is exacerbated in times of conflict — as reflected in recent armed conflict situations. The prioritizing of this manifestation of violence has led to numerous concerns, including a shift away from an understanding of violence against women as both gendered and as part of a continuum of violence; a shift in resources, in some instances, despite the need to address all manifestations of violence, including at the national level; a shift in focus by some United Nations entities; and the effect of donor-driven priorities in this process. The views of many women's rights defenders is that these shifts have led to "privileging" the manifestation of violence against women in conflict situations, to the detriment and ignoring of the low-level "warfare" that women and girls experience in their homes and communities on a daily basis.

### 5. Financial crisis, austerity measures and cuts in social services spending

67. The Special Rapporteur is deeply concerned about the weakening of the women's rights sector due to funding cuts for core service provision, including legal, policy and advocacy work. Cuts in funding to NGOs, as a form of reprisal against the work of women human rights defenders, is also of concern. This issue has been raised in numerous reports of treaty bodies and NGOs.

### 6. Lack of a legally binding instrument

68. The Special Rapporteur has highlighted that a normative gap exists at the international level. The lack of a legally binding instrument on violence against women precludes the articulation of the issue as a human rights violation in and of itself, comprehensively addressing all forms of violence against women and clearly stating the obligations of States to act with due diligence to eliminate violence against women. There are many "soft law" documents that address the issue, including the Vienna Declaration and Programme of Action, the Declaration on the Elimination of Violence against Women, the Beijing Declaration and Platform for Action, and general comments and recommendations of treaty bodies. However, although soft laws may be influential in developing norms, their non-binding nature effectively means that States cannot be held responsible for violations.

The Special Rapporteur notes that none of the soft law developments on violence against women has moved into the realm of customary international law as yet.

69. There is more specificity in three key regional human rights treaties that address violence against women, namely the 1994 Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará), the 2003 Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (Maputo Protocol) and the recent Council of Europe Convention on preventing and combating violence against women and domestic violence (Istanbul Convention). The normative underpinnings of the obligations of States to eliminate violence against women have evolved since 1994, and the regional treaties reflect international standard-setting developments, but within a legally binding regional instrument. Despite the specificity of these instruments, there are limitations with regard to, for example, definitions and the comprehensiveness of the coverage of persons and acts as reflected in the instruments. Such gaps, as well as the absence of specific regional instruments in other regions of the world, underscore the need for a universal legally binding instrument on violence against women at the United Nations level.

### 7. Shift in understanding of gendered responses and a move towards a focus on men and boys[41]

70. In the past few years there has been a move away from the understanding of "gender focus" as referring to women, including with regard to violence, as articulated and understood in international normative frameworks and by women's groups. One author aptly articulates the concerns and frustrations expressed by women's rights NGOs and by individuals as follows:

> "gender, stripped of ideas of male privilege and female subordination, came to mean that women and men suffered equally the costs of the existing gender order. Women's organizations were increasingly asked 'if you are working on gender, then where are the men', and they were increasingly pressured to include men. On the heels of this pressure, a new … actor came into focus – men's organizations. The existence of already weakened women's organizations was now further threatened and feminist attempts at movement building faced additional challenges. The increasing focus on men and men's organizations … is seen by some as a new fad, the latest silver bullet to achieving gender equality, and a threat to women's organizations and women's movements. In this view, donor attention to men's organizations seems to signify a shift of support away from women's empowerment and women's leadership, and a handing over of the reins in the struggle for gender equality to men. Men are once more in charge – only this time, they are in charge of women's liberation struggles".[42]

71. It is clear from the many concerns raised with the Special Rapporteur that, although the shift to the men and boys agenda is fraught with difficulty, it appears to have attracted a great deal of funding, recognition and political support. In order to legitimize their mandates, many men's organizations claim that the inclusion of men and boys is a binding obligation called for in numerous international documents and frameworks, including the Rio Declaration of the Global Symposium on Engaging Men and Boys on Achieving

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[41] Claire Malcolm and Helen Griffiths, "The limitations of engaging men and boys in the prevention of violence against women", January 2014 (unpublished paper on file with the author).

[42] Shamim Meer, "Struggles for Gender Equality: Reflections on the place of men and men's organisations", *Open Debate*, (Johannesburg, Open Society Initiative for Southern Africa, 2011), chaps. 2–4. Available from www.osisa.org.

Gender Equality, held in Rio de Janeiro, Brazil from 29 March to 3 April 2009. This Declaration outlines an obligation for States, United Nations agencies and donors to promote the agenda of engaging men and boys, and advocates the allocation of resources to further work in that direction. The Rio Declaration is an NGO declaration and does not have comparable status, in legal terms, with United Nations documents; and it was developed and promoted by the very men's groups that it provides for and strengthens. The distortion of the rationale and the interpretation of international human rights standards and frameworks, particularly as regards gender equality and engaging or partnering with men to transform gender inequality, is thus reinforced by such arguments. Such conflating of United Nations commitments with an NGO declaration has resulted in the mushrooming of independent men's groups and organizations, separate from the women's movement, many of which have redefined engagement with men and boys, in male terms.

72. From a pragmatic point of view, if men constitute the vast majority of perpetrators of violence against women, then engaging them in discussions, educating them to resist and reject the nature and consequences of hypermasculinity and misogyny and to overcome patterns of violence is an obvious step towards the elimination of violence against women. The feminist approach has commonly considered men as allies and targets of education in the quest for gender transformation. In recent years, many men's groups have moved from being targets of engagement and allies, to being leaders of initiatives on gender equality, especially through the setting up of specialized men's organizations to engage men and boys. The logic of the shift in focus appears to be self-defeating because it empowers the group to which perpetrators belong — and which overwhelmingly continues to maintain economic, political and societal structures of power, privilege and opportunity — to offer protection from violence and discrimination. The Special Rapporteur is also concerned that the dominant voices on engaging men and boys, whether through reporting, United Nations meetings or connection with the wider public through the press and popular culture, belong to a very small group of men who are linked to the most prominent organizations associated with the men and boys agenda. This raises numerous questions, including in respect of legitimacy and accountability.

73. There are many ideologies about the role of men and boys. Often, the focus is not on women as autonomous beings, disproportionately affected by inequality, discrimination and violence; but rather, violence against women is conflated with the interests of men and boys. The tendency is for men's groups to argue both that the majority of men are *not* implicated in abuse and that all men suffer the consequences of being socialized into dominant perceptions of hypermasculinity, and that that accounts, in part, for recourse to violence. Thus, the argument is that since both men and women are subject to gender stereotypes, and that corrupt and corrupting forms of power are as damaging to men as to women, both men and women would benefit from the dismantling of gender stereotypes.

74. One strategy associated with the engagement of men and boys is to appeal to the idea that women deserve respect as mothers, sisters, wives and so on. Emphasizing personal relationships is said to make it easier to understand the consequences of violence against women. This is also seen as an effective strategy in overtly patriarchal societies, in which calls to consider women as rights-bearing individuals, irrespective of their marital status, are considered too radical to attract support, even among women themselves. This implicit suggestion thus distorts the issue of women as autonomous individuals deserving of respect, and renders regard for the rights of women contingent on their status in the private sphere, which further reinforces the public/private dichotomy.

75. A brief analysis of the mandates and principles of organizations associated with engaging men and boys in efforts to counter violence against women reveals a series of internal contradictions which compromise the understanding of the foundational principles linked to women's human rights. This is reflected in several ways, including reaffirmation

of patriarchal norms of men as "protectors" and, by extension, women as "victims"; reinstatement of the family as the principal referent for analysis; depoliticization of the understanding of both gender equality and gendered violence; reinforcement of the public/private dichotomy; instrumentalization of arguments for the elimination of violence against women; conceptual confusion over men, masculinity and gendered roles; and the justifications and contradictions in the shift to men and boys and its supposed link to binding international law obligations.

# IV. Conclusion and recommendations

76. **The present report articulates the challenge of 20 years of normativity, without legality, in addressing violence against women, largely through the use of soft law approaches. Despite the existence of interpretative guidelines and monitoring by human rights treaty bodies and the universal periodic review, the limitations of large and varied monitoring mandates, coupled with time constraints when examining State party reports, result in insufficient interrogation concerning the information relating to violence against women, its causes and consequences, and insufficient assessment of responses. Furthermore, the lack of specific legally enforceable standards further impacts attempts to ensure appropriate responses and also accountability for acts of violence against women, which is acknowledged as a widespread and systematic human rights violation.**

77. **The Special Rapporteur recommends that the Human Rights Council undertake an inquiry into the normative gap, in a quest to further strengthen efforts to eliminate violence against women.**

78. **As regards the other challenges raised in the present report, the Special Rapporteur recommends that the Secretary-General initiate a study on the impact of such challenges in the quest to eliminate violence against women.**